

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Garry Tzvi Zookin,

4 Plaintiff(s),

5 vs.

6 CSAA General Insurance Company,

7 Defendant(s).

2:23-cv-01976-JCM-MDC

ORDER DENYING MOTION

8 Defendant filed a *Motion to Strike* (“Motion”) (ECF No. 27), which seeks discovery sanctions
 9 related to plaintiff’s disclosures. Defendant’s Motion is DENIED without prejudice for failing to comply
 10 with LR IA 1-3(f); LR 26-6(c); and the Court’s Standing Order (ECF No. 26) regarding discovery
 11 disputes.

12 The parties are directed to meet and confer in compliance with LR IA 1-3(f); LR 26-6(c); and the
 13 Court’s Standing Order and, if the discovery dispute remains, file the required Stipulation Regarding
 14 Discovery Dispute in compliance with the Court’s Standing Order.

15 **DISCUSSION**16 **I. LACK OF MEET AND CONFER**

17 Defendant’s Motion relates to discovery sanctions regarding disclosure of expert witnesses. *See*
 18 ECF No. 27. Therefore, defendant was required to comply with Local Rules (“LR”) 26-6 LR IA 1-3(f)
 19 before filing the Motion. However, the Court finds that there has been a lack of a meet and confer, as
 20 required by LR 26-6 and LR IA 1-3(f). The relevant portions of LR 26-6 and LR IA 1-3 provide:

21 Discovery motions will not be considered unless the movant (1) has made a good-faith
 22 effort to **meet and confer** as defined in LR IA 1-3(f) before filing the motion, and (2)
 23 **includes a declaration** setting forth the details and results of the meet-and-confer
 conference about each disputed discovery request.

24 LR 26-6(c) (emphasis added).

25 Meet and Confer. Whenever used in these rules, to “meet and confer” means to
 communicate directly and discuss in good faith the issues required under the particular rule

1 or court order. **This requirement is reciprocal and applies to all participants.** Unless
 2 these rules or a court order provide otherwise, this requirement may only be satisfied
 3 through **direct dialogue and discussion in a face-to-face meeting, telephone conference,**
or video conference. The exchange of written, electronic, or voice-mail communications
 4 does not satisfy this requirement.

5 LR IA 1-3(f) (emphasis added).

6 A party who files a motion to which the meet-and-confer requirement applies must submit
 7 a declaration stating all meet-and-confer efforts, including the time, place, manner, and
 8 participants. The movant must certify that, despite a sincere effort to resolve or narrow the
 9 dispute during the meet-and-confer conference, the parties were unable to resolve or
 10 narrow the dispute without court intervention.

11 LR IA 1-3(f)(2).

12 Defendant failed to certify that a meet and confer took place regarding the expert disclosure.
 13 Defendant is reminded that “[t]he exchange of written, electronic, or voice-mail communications does
 14 not satisfy this requirement.” LR IA 1-3(f). A meet and confer must include¹ “direct dialogue and
 15 discussion in a face-to-face meeting, telephone conference, or video conference.” *Id.*

16 Parties are reminded that the meet-and-confer requirement applies to **both** parties. *Las Vegas*
 17 *Skydiving Adventures LLC v. Groupon, Inc.*, 2020 U.S. Dist. LEXIS 191754, *4 (2:18-cv-02342-APG-
 18 VCF, Decided October 16, 2020). Thus, the burden and failure to participate in a meet and confer
 19 applies with equal force to both parties. Failure to make a good-faith effort to meet and confer before
 20 filing any motion to which the requirement applies may result in denial of the motion. LR IA 1-3(f)(4).

21 **II. FAILURE TO COMPLY WITH THE STANDING ORDER**

22 The parties failed to comply with the Court's Standing Order (ECF No. 26) regarding discovery
 23 disputes and the Motion (ECF No. 27) was filed in violation of such order. Therefore, the Court denies
 24 the motion to strike, but does so without prejudice. Both parties must comply with the discovery dispute
 25 procedures set forth in the Court's Standing Order (ECF No. 26). Failure to comply may result in
 26 sanctions.

27 ¹ LR IA 1-3(f)(1) provides an exception to the face-to-face meeting requirement for incarcerated individuals appearing pro se.
 28 However, since neither party is an incarcerated individual, this exception does not apply here.

1 ACCORDINGLY,

2 **IT IS ORDERED that:**

3 1. The *Motion to Strike* (ECF No. 27) is DENIED WITHOUT PREJUDICE.

4 2. The parties are directed to meet and confer in compliance with LR IA 1-3(f); LR 26-6(c);

5 and the Court's Standing Order and, if the discovery dispute remains, file the required

6 Stipulation Regarding Discovery Dispute in compliance with the Court's Standing Order.

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8 DATED this 16th day of December 2024.

9 IT IS SO ORDERED.

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Hon. Maximiliano D. Couvillier III
United States Magistrate Judge

